

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION FOR
AUTHORIZATION AND APPROVAL OF A PROJECT UNDER
CHAPTER 121A MASSACHUSETTS GENERAL LAWS (TER. ED.),
AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960,
AS AMENDED, AND FOR CONSENT TO THE FORMATION
PURSUANT TO SAID CHAPTER 121A OF AN URBAN
REDEVELOPMENT LIMITED PARTNERSHIP UNDER THE NAME
MARCUS GARVEY ASSOCIATES FOR THE PURPOSE OF
UNDERTAKING AND CARRYING OUT THE PROJECT.

A. The Hearing. A public hearing was held at 2:00 P. M., on July 10, 1975, in the offices of the Boston Redevelopment Authority, (hereinafter called the "Authority") at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on an Application (hereinafter called the "Application") filed by the Roxbury Action Program, Inc., a non profit corporation organized under Chapter 180 of the Massachusetts General Laws, (hereinafter called the "Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), and for consent to the formation of a Chapter 121A Limited Partnership under the name Marcus Garvey Associates for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication on June 24, 1975 and July 1, 1975 in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing appropriate notices postage prepaid, in accordance with the provisions of Rule 8 of the Rules and Regulations of the Authority for securing the approval of Chapter 121A Projects (the "Regulations") and Section 13 of Chapter 652 of the Acts of 1960, as amended.

Robert L. Farrell, Chairman of the Authority, and James G. Colbert, Joseph J. Walsh, Paul J. Burns, and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project will be divided into two phases and will involve three (3) sites in the Roxbury district of Boston. The John Eliot Square site contains approximately, 94,000 square feet and fronts on John Eliot Square, Highland Street and Norfolk Street. The Norfolk Street site contains approximately 9,800 square feet and has frontages on Norfolk and Lambert Streets. The Garvey House site contains approximately 17,880 square feet. The premises on which the Project is to be located are hereinafter referred to as the "Project Area".

Phase I of the Project will involve the acquisition, design, construction, operation and maintenance of approximately 122 units of housing for low and moderate income families. Approximately 114 units will be constructed on the John Eliot Square site and approximately 8 units will be constructed on the Norfolk Street site. Approximately 9,400 square feet of commercial space will be constructed on the John Eliot Square site. The design of these units is detailed in plans and specifications included with the Application.

Phase II of the Project will include the rehabilitation of Garvey House which will include approximately 17,000 square feet and will be used for social services and community facilities.

The Project is to be financed by the Massachusetts Housing Finance Agency, (hereinafter referred to as "MHFA").

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, operation and maintenance in a blighted, open, decadent and/or

substandard area of decent, safe and sanitary residential buildings and appurtenant facilities, as described above.

D. Project Area - Blighted Open, and Decadent Area. The Authority hereby finds that the Project Area is a blighted open, and decadent and/or substandard area within the meaning of Section 1 of Chapter 121A for the following reasons:

1. The Norfolk Street Site is part of a larger area which was declared by the Authority on November 11, 1972 to be a blighted open, decadent and/or substandard area, as set forth in the Kitteridge Square Urban Renewal Plan.
2. The Project Area is predominantly vacant. The Norfolk Street Site is entirely vacant, and the John Eliot Square Site is 90% vacant, containing a few commercial structures on its frontage on the Square. Some of these structures are vacant. Others are occupied by a TV repair shop, a variety store, a barber shop, and a used furniture store. They are generally out of repair, physically deteriorated, obsolete, and unfit for human habitation. The Garvey House Site contains a former community center, now vacant, obsolete, deteriorated, and in need of repair and remodeling.
3. Buildings which formerly occupied now-vacant parts of the Project Area have been torn down, and under existing conditions it is improbable that they will be repaired.
4. The Project Area and its environs have been adversely affected by changes in business and economic conditions in the area. The John Eliot Square frontage was once a thriving neighborhood commercial center, containing a chain supermarket, drug store, tire shop, and other sound retail and service businesses. At one time, the John Eliot Square Site and the Norfolk Street Site also contained decent, safe and sanitary housing. However, this housing has deteriorated and been torn down, and the once-

thriving businesses have gone out of business or left the site, and have been replaced by marginal operations occupying obsolete structures. The area has been the subject of a general physical and economic decline, and is in need of revitalization through new construction and rehabilitation which will not take place by the ordinary operation of private enterprise.

5. In recent years, the properties constituting the Norfolk Street Site have been taken by the City for nonpayment of taxes, thus being detrimental to the sound growth of the community.

The conditions which are causing the blight, and deterioration are not being remedied by the ordinary operations of private or public enterprise. These conditions warrant the carrying out of the Project in accordance with Chapter 121A of the General Laws, and the Application constitutes a "Project" within the meaning of that law. The purpose of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent, safe, and sanitary housing for elderly persons and families at rent levels below those which the conventional operations of the real estate market produce is as a matter of common knowledge, intense. Construction of the units and facilities proposed for the Project Area will serve to alleviate this intense demand, and will, in addition, encourage improvement of the area, and provide space for social and community services.

The Project will provide substantial financial return to the City of Boston. Exhibit A of the Application sets forth an example of the type of Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the forty (40) calendar years after approval of the Project, an amount over

the excise payable under General Laws, Chapter 121A, Section 10. Exhibit A is attached only for illustrative purposes and the approval of this Report and Decision does not bind the City or the Applicants to the terms and conditions of Exhibit A.

E. Cost of the Project. In the opinion of the Authority the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost of the Project is \$4,000,000.00. The Project is to be built under a 90% mortgage financing program of the Massachusetts Housing Finance Agency, and will be 100% subsidized through Section 236 of the National Housing Act. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organizational framework of the Partnership to be called Marcus Garvey Associates. Experience with similar financing and organizational methods persuades the Authority that the financing program is realistic.

The feasibility of the Project is based upon the financial commitment made by the Applicants which requires them to provide necessary working capital, the need for housing in the vicinity, the below market interest rate on the mortgage loan made possible by the MHFA commitment to finance the Project, and the availability of Federal subsidy.

F. Consistency with Master Plan. The Project does not conflict with the City of Boston Master Plan. It is proposed that new buildings will be constructed for residential and commercial use in general compliance with the "1965/1975 General Plan for the City of Boston and the Regional Core" published by the Authority, and that the Garvey House will be rehabilitated for service and community uses consistent with said document. The Project Area is located in the area covered by the Authority's Roxbury and North Dorchester General Neighborhood Renewal Plan, and the Project is consistent with this Plan. The Norfolk Street Site is located within the Kitteridge Square Urban Renewal Area, and the Project is consistent with the reuse determined by the Authority for that site.

H. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit B filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit B, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Final Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

I. Environmental Considerations. In conformance with the provisions of Sections 61 and 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental analysis evaluating the Project, which contains findings which the Authority hereby adopts, among which are:

1. The Project does not adversely affect any recreational areas or any aesthetic value in the surrounding area.
2. The Project will not affect natural or man-made features.
3. The Project does not adversely affect archeological or historic features, or structures. It is expected that the Project will enhance the historic structures in the area.
4. The Project does not affect the potential use, extraction, or conservation

of a scarce natural resource.

5. The Project Area serves no rare or endangered wildlife or fish species.
6. The site is urban and contains no significant fish, wildlife, or plant life.
7. The Project will require deviations from the Boston Zoning Code as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not involve the disposal of potentially hazardous materials.
9. The Project does not involve the construction of facilities in a flood plain.
10. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.
11. The Project does not result in a serious deleterious effect on the quality of any portion of the State's air or water resources.
12. The Project does not adversely affect an area of important scenic value.

Therefore the Authority concludes that the Project will not cause any environmental damage. Receipt and availability of the Environmental Assessment Form for this Project was published in accordance with the Rules and Regulations of the Authority. The Authority hereby determines that the Project will not cause any significant environmental damage and finds that no other action must be taken.

J. Deviations. Exhibit C filed with and attached to the Application lists the Boston Zoning Code Deviations required for Project construction. For reasons set forth

in the Application and supporting documents, including said Exhibit C, and in evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations, respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other cities that the other design, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit C, and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations, respectively.

In summary, permission is granted to deviate from the following provisions of the Boston Zoning Code.

I. John Eliot Square Site

Article 8 Permission to deviate from certain use restrictions in an H-1 district set forth in sub-sections 34, 37, 39, 41, 43, 58 and 71 of Section 8-7. The H-1 district includes only a part of the John Eliot Square frontage, most of which is in an L-1 district. Uses for which permission is sought include neighborhood retail stores, restaurants, professional offices, banks, barber shops and other personal service establishments, parking and ancillary uses.

- Article 14 Permission to deviate from lot area requirement (14-1 plus 14-2). Code requires 132,500 square feet. The site contains approximately 94,000 square feet.
- Article 15 Permission to deviate from the provision limiting the floor area ratio (FAR) to 1.0 on the site. The proposed FAR would be approximately 1.35.
- Article 16 Permission to deviate from height limitation in the L-1 zone only. The code provides for a maximum height of 3 stories or 35 feet. The proposed Project would have a maximum height of 7 stores or 65 feet.
- Article 17 Permission to deviate from usable open space requirements. The Code requires 45,600 square feet of usable open space on the site. The Plans provide for 15,012 square feet.
- Article 18,
19, 20 Permission to deviate from front, side and rear lot requirements. Front yard requirements (20 foot setback) apply along the three street lines. The building shown in the plans has only a 15 foot setback along the Highland Street frontages, and automobiles would be parked as close as 10 feet from part of the Norfolk Street frontage. The site also has a 25 foot yard along part of its northwest boundary, whereas a 30 foot yard is required by Article 19 of the Code.
- Article 21 Permission to deviate from parapet setback requirement. The Code requires a setback of 36.5 feet on the Highland Street frontage, whereas the proposed building would be set back 15 feet along that frontage.

Article 23 Permission to deviate from off-street parking requirement.
The Code requires 110 spaces for the John Eliot Square Site and Norfolk Street Site together. The proposed Project contains 53 spaces, all on the John Eliot Square Site.

II. Norfolk Street Site

Article 14 Permission to deviate from the total lot size requirement (14-1 plus 14-2). The Code requires a total lot size of 12,500 square feet. The site contains approximately 11,920 square feet.

Article 17 Permission to deviate from usable open space requirements. The Code requires 3,200 square feet of usable open space. The site contains 1,825 square feet.

Article 18,
19, 20 Permission to deviate from minimum front, side and rear yard requirements. Building "A" shown on the accompanying site plan would have yards of 6 feet, 25 feet, 5 feet, and 18 feet; Building "B" shown on the site plan would have yards of 3 feet, 0 feet, and 25 feet. The code provides for minimum front yards of 20 feet (or 18.2 feet along existing building alignment), side yards of 20 feet, and rear yards of 30 feet. In addition, the code requires that the corner of the building at Highland and Norfolk Streets be set back 30 feet for traffic visibility. The proposed structure would be set back 13 feet at that point.

Article 22 Permission to deviate from yard regulations (Sec. 22-4) requiring that two buildings on the same lot be separated by yards of the same dimensions as if the buildings were on different lots. This could require as much as 60 feet between buildings. The proposed Buildings A and B would be separated by a yard of 25 feet.

Article 23 Parking for the proposed units on the Norfolk Street Site would be located on the John Eliot Square Site. The request for permission to deviate from Article 23 on the latter site, set forth above, therefore applies to the Norfolk Street Site as well.

The Authority's determinations and findings relate only to Phase I of the Project. The Authority has considered Phase II of the Project and approves the concept, but cannot grant approval at this time because, plans, specifications and financing of Phase II have not been sufficiently developed for review by the Authority. When development plans are submitted, the Authority will consider Phase II of the Project.

The applicant has requested permission to deviate from the Boston Zoning Code on the Garvey House Site, as follows:

Article 15 Permission to deviate from floor area ratio (FAR) requirements. The maximum permitted FAR is 1.0. Use of part of the site for the housing and appurtenant facilities on the John Eliot Square Site would result in a FAR of 2.9 on the Garvey House Site, given the floor area of the existing building.

Article 18,
19, 20 Permission to deviate from minimum front, side and rear yard requirements. The code requires yards of 25 feet, 12.7 feet, and 30 feet, respectively. The existing front yard is 1.6 feet. Side and rear yards would be 10 feet and 15 feet, respectively, if the rear portion of the Site were included in Phase I of the Project.

Article 21 Permission to deviate from parapet setback requirement. The Code requires a minimum setback of 23 feet. As noted above, the existing building is set back 1.6 feet.

Article 23 Permission to deviate from off-street parking requirements. Assuming institutional use, the code requires 39 spaces. None are provided on the reduced Garvey House Site.

Because the Garvey House Site constitutes Phase II of the Project, and plans and specifications for this phase have not as yet been submitted to the Authority for review, the Authority neither approves or disapproves the above requests for deviation as they apply to the Garvey House Site. However, it is the intention of the Authority that Phase I of the Project should not be hindered or delayed by the fact that the Authority does not approve Phase II requests for deviations at this time. Therefore, if and to the extent that the above deviations with respect to Phase II are required for the execution of Phase I, they are hereby approved for this limited purpose only. This limited approval is not to be construed as an approval of such deviations for the purpose of the development of Phase II, which approval shall be considered only after submission and review of Phase II plans, specification, and other materials.

MEMORANDUM

JULY 30, 1975

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: MARCUS GARVEY ASSOCIATES
APPROVAL OF 121A REPORT AND DECISION AND
STATEMENT OF NO SIGNIFICANT ENVIRONMENTAL IMPACT

On July 10, 1975, a public hearing was held for approval of the formation of Marcus Garvey Associates pursuant to Chapter 121A of the General Laws of Massachusetts.

The Applicant, which is the Roxbury Action Program, sought consent for the formation of a Limited Partnership which entity would construct 122 dwelling units for low and moderate income families in the Roxbury Section of Boston as Phase I of the Project. Phase II of the Project contemplates the rehabilitation of the Garvey House as a social service and community facility. Phase II of the Project will not be recommended until plans and financing arrangements are further developed. The Project will be financed by the Massachusetts Housing Finance Agency and will also be 100% subsidized through Section 236 of the National Housing Act.

The Authority has also made inquiry into the Environmental Impact of the Project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal of Marcus Garvey Associates has thus been examined both as to its Environmental Impact and as to its Chapter 121A criteria, and the Authority staff finds it to be fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision for Marcus Garvey Associates and approve the Project as having no significant environmental Impact.

An appropriate Vote is attached.

Attachment